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Message Text

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ACTION IO-11

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E.O. 11652: N/A
TAGS: SHUM, UN, UNHRC
SUBJECT: HUMAN RIGHTS COMMISSION (HRC) -- VIOLATIONS ITEM:
CONFIDENTIAL PROCEDURES

1. IN CLOSED SESSION P.M. MAR 2 HRC BEGAN CONSIDERATION OF PART OF ITEM 13(B) RELATING TO CONFIDENTIAL PROCEDURES ON COMMUNICATIONS UNDER ECOSOC RESOLUTION 1503. REPORT OF HRC WORKING GROUP (WG) WHICH EXAMINED CASES FORWARDED BY SUBCOMMISSION ON DISCRIMINATION AND MINORITIES PRIOR TO OPENING OF PRESENT HRC SESSION PRESENTED BY WORKING GROUP CHAIRMAN JUVIGNY (FRANCE). REPORT RECOMMENDS NO ACTION ON ALL OF CASES EXAMINED, VIZ., BRAZIL, UGANDA, EQUATORIAL GUINEA, CHILE, ISRAEL.

2. SUMMARY OF WG RECOMMENDATIONS:

A. BRAZIL - WG NOTES THAT ACCORDING TO OBSERVATIONS OF GOVERNMENT OF BRAZIL, GOB "HAS AT ITS DISPOSAL THE NECESSARY MEANS OF PREVENTING VIOLATIONS OF HUMAN RIGHTS, IN THE FORM OF INSTRUMENTS FOR APPLYING THE LAW AND PUNISHING THOSE RESPONSIBLE FOR SUCH VIOLATIONS". WG EXPRESSES HOPE THAT GOB WILL MAKE USE OF THOSE INSTRUMENTS AND CONSIDERS THAT IN CIRCUMSTANCES NO ACTION CALLED FOR UNDER
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ECOSOC RES 1503;

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B. EQUATORIAL GUINEA - SINGLE COMMUNICATION I
QUESTION NOT SUFFICIENT TO JUSTIFY THE CONCLUSION THAT
FLAGRANT AND SYSTEMATIC VIOLATIONS HAD BEEN COMMITTED
IN THE SITUATION CONCERNED. WG OF VIEW NO NEED TO TAKE
ACTION UNDER ECOSOC RES 1503 ON BASIS OF DOCUMENTS
BEFORE IT.

C. UGANDA - WG FOUND IN LIGHT OF DOCUMENTS AT ITS
DISPOSAL THAT VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS OF THE KIND REFERRED TO IN ECOSOC RES 1503 HAD
OCCURRED IN UGANDA. WG REFERRED TO REPORT OF UGANDA
COMMISSION OF INQUIRY WHICH COMMUNICATED TO UNSYG AND
TO RECOMMENDATIONS OF COMMISSION OF INQUIRY THAT
VICTIMS OR THEIR RELATIVES SHOULD RECEIVE FAIR COMPEN-
SATION AND THAT THE AUTHORS OF THE VIOLATIONS SHOULD
BE BROUGHT TO JUSTICE. WG EXPRESSED STRONG HOPE THAT
RECOMMENDATIONS WILL BE REALLY APPLIED AND CONSIDERS
THAT, IN THE CIRCUMSTANCES, THERE IS NO NEED TO TAKE
ANY OTHER ACTION UNDER COUNCIL RES 1503.

D. CHILE AND ISRAEL - COMMUNICATIONS TO BE CONSI-
ERED BY HRC UNDER SEPARATE AGENDA ITEMS CONCERNING
THESE TWO COUNTRIES.

3. IN GENERAL DEBATE ON WG REPORT, AUSTRIAN REP
CRITICIZED WG REPORT AS INADEQUATE. RE BRAZIL,
HE DESCRIBED REPLY FURNISHED BY GOB AS UNSATIS-
FACTORY AND CITED REPORT OF U.S. CONGRESSIONAL COMMIT-
TEE WHICH CONTAINED EVIDENCE OF CONTINUING SERIOUS
HUMAN RIGHTS VIOLATIONS IN BRAZIL. HE EXPRESSED DIS-
SATISFACTION WITH WG'S RECOMMENDATIONS ON BRAZIL.

4. GARMENT (US) EXPRESSED FEARS THAT 1503 PROCEDURES
WERE BEING TURNED INTO A SHAM AND THAT WE MAY BE WIT-
NESSING THE END OF ANY EFFECTIVE LIFE IN THEM. RE
BRAZIL NOTED THAT PUBLIC REPORTS KNOWN TO ALL HRC MEM-
BERS CONTINUE TO BE PUBLISHED CONCERNING HUMAN RIGHTS
VIOLATIONS IN BRAZIL. STRESSED THAT BASIS EXISTED
FOR HRC, NOT TO CONDEMN BRAZIL, BUT SIMPLY TO INITIATE
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A STUDY. RE UGANDA, PROPOSED THAT CASE SHOULD BE CON-
TINUED ON DOCKET.

5. REP OF CANADA ALSO CHARACTERIZED BRAZILIAN REPLY
AS UNSATISFACTORY. CITED RECENT AMNESTY REPORT WHICH
SHOWED THAT HUMAN RIGHTS VIOLATIONS ARE
CONTINUING IN BRAZIL. ASKED WHY BRAZIL SHOULD GET OUT
OF THIS SO EASILY. CONCLUDED THAT AS A MINIMUM HRC
SHOULD INSIST ON HAVING MORE INFORMATION FROM GOB.

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6. OTHER COMMENTS MADE BY SENEGAL, WHO ACCEPTED WG RECOMMENDATIONS AND STRESSED NEED TO PROCEED SLOWLY, AND BY YUGOSLAVIA, WHO DEPLORED PESSIMISM OF US REP, AND EXPRESSED VIEW HRC WAS MOVING FORWARD SLOWLY BUT SURELY UNDER 1503 PROCEDURES. NOTED THAT OF CASES CONSIDERED BY HRC UNDER 1503, ALL BUT ONE HAVE BEEN AGAINST UNDERDEVELOPED COUNTRIES. ARGUED THAT THIS IS A FACTOR WHICH SHOULD BE TAKEN INTO ACCOUNT BY HRC IN DETERMINING ACTION. DALE

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